

B420A (Official Form 420A) (Notice of Motion or Objection) (12/16)

EDVA (12/16)

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF VIRGINIA**  
\_\_\_\_\_ **Division**

In re: \_\_\_\_\_ )  
\_\_\_\_\_ )  
*[Set forth here all names including married, maiden, and* )  
*trade names used by debtor within last 8 years.]* ) Case No. \_\_\_\_\_  
\_\_\_\_\_ )  
Debtor \_\_\_\_\_ ) Chapter \_\_\_\_\_  
\_\_\_\_\_ )  
Address \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
Last four digits of Social Security or Individual Tax-payer )  
Identification (ITIN) No(s)., (if any): \_\_\_\_\_ )  
\_\_\_\_\_ )  
Employer's Tax Identification (EIN) No(s). (if any): \_\_\_\_\_ )  
\_\_\_\_\_ )

**NOTICE OF MOTION (OR OBJECTION)**

\_\_\_\_\_ has filed papers with the court to \_\_\_\_\_  
\_\_\_\_\_.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the motion (or objection), or if you want the court to consider your views on the motion (or objection), then on or before \_\_\_\_\_, you or your attorney must:

- ☐ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court

\_\_\_\_\_  
\_\_\_\_\_

You must also send a copy to:

☐ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing**

☐ Attend the hearing on the motion (or objection) scheduled to be held on \_\_\_\_\_ at \_\_\_\_\_ m. at United States Bankruptcy Court, \_\_\_\_\_.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: \_\_\_\_\_

Signature, name, address and telephone number  
of person giving notice:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Virginia State Bar No. \_\_\_\_\_  
~~XXXXXX~~ Counsel for \_\_\_\_\_

Certificate of Service

I hereby certify that I have this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, mailed or provided via ECF a true copy of the foregoing Notice of Motion to the parties listed on the attached Application to Employ.

\_\_\_\_\_

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

In re: JENNIFER ANN MADIGAN

Case No. 19-72892-FJS

Debtors

Chapter 7

**TRUSTEE'S APPLICATION TO EMPLOY REAL ESTATE AGENT**

Thomas B. Dickenson, Trustee ("Trustee") moves pursuant to 11 U.S.C. § 327(a) for the following relief:

**Jurisdictional Statement**

1. On 8/1/2019, JENNIFER ANN MADIGAN filed for relief under Chapter 7 of the Bankruptcy Code.
2. The Trustee was appointed as trustee in this case and continues to serve in that capacity.
3. This proceeding arises under Title 11, United States Code. This Court has original jurisdiction thereof pursuant to 28 U.S.C. § 1334(b) and 157(a).
4. This a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

**Statements of Fact**

6. The Trustee proposes to liquidate real property ("the Property") which was owned by the debtor at the time of the filing of the bankruptcy petition and which is an asset of the estate.
7. The property is known as 1188 Eagle Way, Virginia Beach, VA 23456 and upon information and belief is owned by the debtor alone. Her stated intention is to surrender the property.

Thomas B. Dickenson, Trustee – VSB#26744  
1170 Lexan Avenue, Suite 203  
Norfolk, VA 23508  
(757) 489-1300

8. The Trustee has concluded that the best method for procuring buyers for the Property is to engage a real estate agent.

9. The Trustee desires that Julia Shea of Chandler Realty (“Agent”) be engaged as real estate agent to market the Property.

10. Any bid procured by Agent will be submitted to the Court for approval pursuant to 11 U.S.C. § 363(f) since there may be liens on the Property which must be removed, and a prospective purchaser will require an order of this Court approving such sale.

11. The Listing Agreement provides for compensation to Agent a rate of six percent (6%) of the final sales price. The Trustee acknowledges that this Court’s approval of any compensation to Agent is a necessary prerequisite to payment thereof.

12. An affidavit of Julia Shea of Chandler Realty is attached hereto and incorporated herein by reference.

13. The Trustee selected the Agent as the listing agent because she is experienced in selling real estate in this area. Julia Shea has been a full-time practicing Realtor in Hampton Roads for 16 years. She has been a “Circle of Excellence” award winner since 2004 and a Platinum Award winner every year since 2011. She had gross sales of \$30,000,000.00 in 2018.

14. Neither the Agent nor her firm hold or represent an interest adverse to the estate and are disinterested persons as required by 11 U.S.C. §327.

15. Upon information and belief (based upon the debtor’s schedule D) Branch Banking & Trust Company may have a first lien deed of trust against the property in the approximate amount of \$168,401.43.

16. Upon information and belief (based upon the debtor's schedule D) BB&T Home Mortgage may have a second lien deed of trust against the property in the approximate amount of \$52,237.66.

17. A preliminary market analysis of the property shows a market value of approximately \$315,000.00.

**Relief Requested**

WHEREFORE, the Trustee prays that he be authorized to employ Julia Shea of Chandler Realty under the terms set forth in this motion, and for such other and further relief as this Court may deem equitable and proper.

/s/ Thomas B. Dickenson  
\_\_\_\_\_  
Thomas B. Dickenson, Trustee

**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing Trustee's Application to Employ Real Estate Broker was sent by first class, postage paid mail or electronically via ECF or email as indicated on October 15, 2019 to:

Office of the U.S. Trustee\*  
Room 625, Federal Building  
200 Granby Street  
Norfolk, VA 23510

Julia Shea\*  
Chandler Realty  
701 W. 21<sup>st</sup> Street  
Norfolk, VA 23517

JENNIFER ANN MADIGAN  
1188 Eagle Way  
Virginia Beach, VA 23456

Michael J. Heath, Esq.\*  
575 Lynnhaven Parkway, Suite 180  
Virginia Beach, VA 23452

BB&T Home Mortgage  
PO Box 580048  
Charlotte, NC 28258

Branch Banking & Trust Company  
PO Box 1290  
Whiteville, NC 28472

/s/ Thomas B. Dickenson

Thomas B. Dickenson, Trustee

[\* Indicates service by ECF or e-mail. All others served by First Class U.S. Mail, postage prepaid.]

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

In re:  
JENNIFER ANN MADIGAN

Case No. 19-72892-FJS  
Chapter 7

Debtor(s)

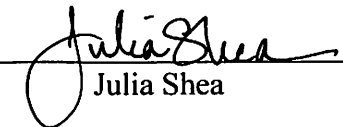
**AFFIDAVIT OF JULIA SHEA**

I, Julia Shea of Chandler Realty, declare:

1. I am an agent with Chandler Realty which the Trustee seeks to employ in the motion to which this affidavit is attached.
2. I am a Realtor experienced in the selling of real property. I am willing to accept employment on the basis set forth in the annexed motion.
3. Neither Julia Shea of Chandler Realty, nor Chandler Realty represents an interest adverse to the estate nor holds an adverse interest to the Debtor, the estate, or to the Office of the United States Trustee. We are disinterested persons within the meaning of 11 U.S.C. §101(14).
4. To the best of my knowledge and upon diligent inquiry by me I state hereby that neither I nor any employee or owner of Chandler Realty is a relative of any person in the Office of the United States Trustee in the region in which this case is pending.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 10.9.19

  
Julia Shea

SUBSCRIBED AND SWORN to me this 9<sup>th</sup> day of October, 2019.

Notary Signature: 

Print Name: Sharon Schumacher Notary Public  
My commission expires: July 31, 2022  
Notary Registration # 7784721

